

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

GREGORY EDWARD SKINNER

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Case No. 4:05cr85
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 18, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On October 20, 2005, Defendant was sentenced by the Honorable Paul Brown to fifty-seven (57) months' custody followed by two (2) years of supervised release for the offense of Felon in Possession of a Firearm. On May 4, 2009, Defendant completed his period of imprisonment and began service of his supervised term.

On August 25, 2010, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several of his conditions of supervised release. Violation allegations two and three were dismissed by the Government. The petition also alleged violation of the following additional mandatory condition: the defendant shall not commit another federal, state, or local crime.

The petition alleges that Defendant committed the following acts with regard to the remaining violation: On September 27, 2009, Defendant was arrested by the Wylie Police Department and charged with Driving While Intoxicated. On June 17, 2010, Defendant pleaded

guilty to Driving While Intoxicated, Felony and was sentenced to two years' confinement in the Texas Department of Criminal Justice-Institutional Division.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violation.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 21st day of November, 2010.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE